

**REMARKS**

Claims 1-14 are all the claims pending in the application.

**I. Summary of the Office Action**

Claims 1, 2, and 4-11 are rejected under 35 U.S.C. § 103(a). Claims 3 and 12-14 contain allowable subject matter.

**II. Prior Art Rejections**

Claims 1, 2, and 4-11 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Applicant's Admitted Prior Art (hereinafter "APA"). Applicant respectfully traverses these grounds of rejection in view of the following comments.

Independent claim 1 recites a unique combination of features including:

a reference transmission power for said adjustment is signaled to each of said base stations together with an adjustment period, and

wherein each of said base stations periodically adjusts its transmission power to said reference transmission power, at said adjustment period.

By way of an example, the parameters which are signaled to a base station include a reference power and an adjustment period. The adjustment period is such that a base station periodically adjusts its transmission power to the reference transmission power based on this signaled adjustment period. In other words, the reference transmission power is not changed (*i.e.*, not signaled) at each adjustment period. That is, in the exemplary embodiment, there is no need to signal updated values frequently even if the reference transmission power has changed. It is only necessary to perform regular adjustments even if they are performed on the most recently signaled value for the reference transmission power, which does not necessarily correspond to an

up-to-date value of the transmission power. It will be appreciated that the foregoing remarks relate to the invention in a general sense, the remarks are not necessarily limitative of any claims and are intended only to help the Examiner better understand the distinguishing aspects of the claim mentioned above.

In response to Applicant's arguments, the Examiner simply quotes a portion of the APA previously quoted by the Applicant in the Amendment under 37 C.F.R. § 1.111 filed on February 14, 2007 (*see* page 2 of the Office Action). That is, the Examiner appears to allege that signaling the transmission power in a predetermined interval  $n$  somehow discloses signaling both the transmission power and adjustment interval (*see* page 2 of the Office Action). Applicant respectfully disagrees. Applicant further respectfully requests that the Examiner respond to the arguments raised in the previously filed response. MPEP 707.07(f) ("Where the Applicant traverses any rejection, the examiner should, if he or she repeats the rejection, take note of the Applicant's argument and answer the substance of it").

The APA on page 2, lines 19 to 36 recites:

When using marco-diversity transmission, it is also known to adjust the transmission power levels of the various base stations to which a mobile station is connected relative to one another so as to optimize the performance of the system, and in particular so as to optimize its capacity. Thus, in general, a radio network controller (RNC) in the UMTS system which serves to control base stations determines the power to be used for transmission at an instant  $t_{n+1}$  for each of the base stations on the basis of the transmission powers at an instant  $t_n$  as reported by each of said base stations. Advantageously, the same transmission power is determined for the various base stations.

The transmission power value(s) as determined in this way (also referred to as reference transmission power(s)) are then signalled by the radio network controller to the various base stations which respond by adjusting their transmission powers on said reference transmission powers.

As is visible from the above-quoted passage from the APA, there is no disclosure or suggestion of **signaling an adjustment period** and correcting the transmission power **at the signaled adjustment period**. In the APA, the frequency of the corrections by the base stations are controlled by the frequency of the signaling of the reference power. In other words, it is the reference power alone that is signaled. When the reference power is signaled, the base station corrects its transmission power based on the received reference power.

There is no disclosure or even remote suggestion of the adjustment period being transmitted/signaled to the base stations with the power. In short, in the APA, the power correction is determined by the reception of the new reference power. In other words, in the APA, the new reference power is signaled for each power correction. As such, the APA requires frequent signaling because without signaling the reference power, the base station does not adjust its power (page 2, line 32 to page 3, line 32 of the specification). In sum, there is no disclosure or suggestion of signaling an adjustment period and adjusting the transmission power to the reference transmission power at the adjustment period.

Therefore, “a reference transmission power for said adjustment is signaled to each of said base stations together with an adjustment period, and wherein each of said base stations periodically adjusts its transmission power to said reference transmission power, at said adjustment period,” as set forth in claim 1 is not disclosed by the APA, which lacks signaling the adjustment period and adjusting the transmission power to the reference transmission power in

the signaled adjustment period. For at least these exemplary reasons, Applicant respectfully submits that independent claim 1 is patentable over the APA. Applicant respectfully requests the Examiner to withdraw this rejection of claim 1. Claims 2, 4, 5, and 10 are patentable at least by virtue of their dependency on claim 1.

Independent claims 6 and 9 recite features similar to, although not necessarily coextensive with, the features argued above with respect to claim 1. Therefore, arguments presented with respect to claim 1 are respectfully submitted to apply with equal force here. For at least substantially analogous reasons, therefore, independent claims 6 and 9 are patentable over the APA. Claims 7, 8 and 11 are patentable at least by virtue of their dependency on claim 6 or 9.

### III. Allowable Claims

Claims 3 and 12-14 contain allowable subject matter. We suggest holding the rewriting of these claims in abeyance until arguments provided with respect to claim 1 have been reconsidered.

### IV. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly invited to contact the undersigned attorney at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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